

Rand L. Chritton (Bar No. 099191)
John L. Kortum (Bar No. 148572)
Jennifer L. Madsen (Bar No. 232535)
ARCHER NORRIS
Attorneys At Law
2033 North Main Street, Suite 800
P.O. Box 8035
Walnut Creek, CA 94596
Telephone: (925) 930-6600
Facsimile: (925) 930-6620

Attorneys for
SEQUOIA INSURANCE COMPANY
in its capacity as liability insurer for
DEFENDANT THE ESTATE OF JOSEPH AGGIO, deceased

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VALENTI AGGIO, DOROTHY L. AGGIO
and LIVIO J. AGGIO,

Plaintiffs,

v.

ESTATE OF JOSEPH AGGIO, deceased,

Defendant.

No. C 04 4357

**SEQUOIA INSURANCE COMPANY IN
ITS CAPACITY AS LIABILITY INSURER
FOR DEFENDANT THE ESTATE OF
JOSEPH AGGIO'S NOTICE OF MOTION
AND MOTION TO REVISE THE PRE-
TRIAL SCHEDULE**

Action Filed: October 14, 2004

Trial Date: June 5, 2006

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

This is a Motion for Administrative Relief under Local Rule 7-11. SEQUOIA INSURANCE COMPANY ("Sequoia) in its capacity as liability insurer for DEFENDANT THE ESTATE OF JOSEPH AGGIO, deceased, will and hereby does move the Court to make an order revising the pretrial schedule, originally set out in the Case Management and Pre-trial Order dated September 7, 2005, to the following revised dates:

Disclosure of Experts (retained and non-retained): January 13, 2006

Non-expert discovery cut off: January 31, 2006

Expert rebuttal reports: February 3, 2006

Expert discovery cut off: February 24, 2006

Notice of Motion & Motion For Leave to Revise
the Pre-Trial Schedule (Case No. C 04 4357)

Dispositive Motions: April 7, 2006

Pretrial Conference: May 18, 2006 (This date is not changed.)

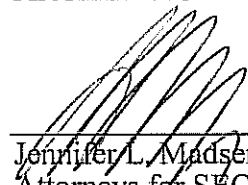
This motion is made on the following grounds:

1. More time is required to complete fact discovery as some of the witnesses are located out of state;
2. Third Party Defendants have only just been served in the middle of October and have not yet appeared;
3. The additional time required for expert and non-expert discovery does not alter the trial date;
4. The extent of off-site clean up required and the attendant costs are not yet determined hence and the experts will need more time to address these issues; and
5. The parties have met and conferred on the attached schedule and are in agreement with the revised deadlines set out therein.

This motion is based upon this Notice of Motion and Motion and the accompanying [Proposed] Order and Stipulation.

Dated: November 8, 2005

ARCHER NORRIS



Jennifer L. Madsen
Attorneys for SEQUOIA INSURANCE
COMPANY IN ITS CAPACITY AS
LIABILITY INSURER FOR DEFENDANT
THE ESTATE OF JOSEPH AGGIO

SE1164/450957-1

Rand L. Chritton (Bar No. 099191)
John L. Kortum (Bar No. 148573)
Jennifer L. Madsen (Bar No. 232535)
ARCHER NORRIS
Attorneys At Law
2033 North Main Street, Suite 800
P.O. Box 8035
Walnut Creek, CA 94596
Telephone: (925) 930-6600
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NORTHERN DISTRICT OF CALIFORNIA

VALENTI AGGIO, DOROTHY L. AGGIO
and LIVIO J. AGGIO,

Plaintiffs,

v.

ESTATE OF JOSEPH AGGIO, deceased,
Defendant.

No. C 04 4357

DENYING
**[PROPOSED] ORDER and STIPULATION
REGARDING PRE-TRIAL SCHEDULE**

Action Filed: October 14, 2004

Trial Date: June 5, 2006

Plaintiffs Valenti Aggio, Dorothy L. Aggio and Livio J. Aggio and SEQUOIA INSURANCE COMPANY in its capacity as liability insurer for DEFENDANT THE ESTATE OF JOSEPH AGGIO, deceased ("Sequoia") have met and conferred on the pre-trial schedule set out in the Case Management and Pre-trial Order dated September 7, 2005 and hereby stipulate to the following revised dates, subject to the court's approval:

Disclosure of Experts (retained and non-retained): January 13, 2006

Non-expert discovery cut off: January 31, 2006

Expert rebuttal reports: February 3, 2006

Expert discovery cut off: February 24, 2006

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STIPULATION RE: PRE-TRIAL SCHEDULE
(C 04 4357)

Dispositive Motions to be Heard By: April 12, 2006

This stipulation does not propose changes to the current dates for the Pretrial Conference and trial.

DATED: November 7, 2005

FARELLA BRAUN & MARTEL LLP

By: Louise O. Warren for
Dennis M. Cusack

Attorneys for Plaintiffs

VALENTI AGGIO, DOROTHY L. AGGIO
and LIVIO J. AGGIO

DATED: November 8, 2005

ARCHER NORRIS

By: Rand L. Chritton

Attorneys for Defendant,

SEQUOIA INSURANCE COMPANY, ON
BEHALF OF THE ESTATE OF JOSEPH AGGIO

PURSUANT TO STIPULATION IT IS ~~SO ORDERED~~:

DENIED

DATED this 9th day of November, 2005.

Phyllis J. Hamilton

HONORABLE PHYLLIS J. HAMILTON

THE COURT HEARS DISPOSITIVE MOTIONS
120 DAYS BEFORE TRIAL.

SE1164/450947-1

STIPULATION RE: PRE-TRIAL SCHEDULE
(C 04 4357)